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| Application Number | 09/867,845 |
| Filing Date | 29 May 2001 |
| First Named Inventor | Chaitan KHOSLA, et al. |
| Group Art Unit | 1631 |
| Examiner Name | Michael L. Borin |

Attorney Docket No. 300622005500

ENCLOSURES (check all that apply)

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Remarks

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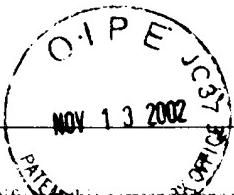
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| Firm or Individual Name | Brenda J. Wallach Reg. No. 45,193 Morrison & Foerster LLP 3811 Valley Centre Drive, Suite 500, San Diego, California 92130 |
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| Date | October 25, 2002 |

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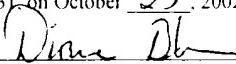
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Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chaitan KHOSLA, et al.

Serial No.: 09/867,845

Filing Date: May 29, 2001

For: DESIGN OF POLYKETIDE SYNTHASE
GENES

Examiner: Michael L. Borin

Group Art Unit: 1631

**RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY
AMENDMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated September 27, 2002 for which a response is due on October 27, 2002. Accordingly, this response is timely filed. Prior to examination of the above-identified application on the merits, the Examiner is respectfully requested to consider the following remarks and enter the following amendments. Enclosed in the following Exhibit A:

Exhibit A: Marked-up version of Amendments to the Specification.

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Restriction Requirement

The Examiner is requiring restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 1-6, drawn to a method of representing polyketide structure;
- II. Claims 7-12, drawn to a database wherein polyketides are represented by a string of symbols;
- III. Claim 13, drawn to a database wherein polyketides are represented by linearized representation; and
- IV. Claim 14-17, drawn to gene design.

The Examiner has stated the inventions are distinct from each other for the reasons set forth in the Office Action. Applicant hereby elects Group IV, Claims 14-17, without traverse.

Applicant would like to point out that Group II is believed to be Claims 7-12 not 7-14 as stated in the Office Action. If Applicant's understanding is incorrect, Applicant requests clarification from the Examiner.

Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.